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July 21, 2008

BY FEDEX

Hon. Kenneth M. Karas, U.S.D.J.
United States Courthouse
300 Quarropas Street, Room 533
White Plains, New York 10601

MEMO ENDORSED

Re: Finn v. OMH et al, 08-CV-5142 (KMK) (MDF)

Dear Judge Karas:

The Attorney General has just received the complaint, as well as a request for representation from the agency defendant, the New York State Office of Mental Health ("OMH"), which was served on July 10, 2008 and whose response is currently due on July 30, 2008. One of the individual defendants, Osmond Clarke, was served on July 14, 2008 and has also requested representation. To our knowledge, the two remaining individual defendants, Jerome Forman ("Forman") and Niranjana Patel ("Patel"), have not yet been properly served. Accordingly, without waiving any defense we may have for improper service on behalf of Forman and Patel, I write to request a 60-day extension of time to answer or otherwise respond pending proper service of all defendants. For judicial convenience, one answer will be filed on behalf of all defendants. //

Additional time is necessary to complete a fact investigation, not only for the purpose of defendants' response but also to ensure that this Office will be able to represent the individual defendant(s) pursuant to Section 17 of the Public Officers Law. This Office cannot represent a defendant until that individual has been served and has requested our representation.

This is defendants' first request for an extension. Plaintiff's counsel consents to the proposed 60-day extension which will commence upon proper service of all defendants. The Court's courtesies in this matter are greatly appreciated.

Respectfully submitted,

Joanne Skolnick

Joanne Skolnick
Assistant Attorney General

cc: Steven Seltzer, Esq.

Granted. Defendants have until 60 days of the date of this order to answer or otherwise respond to the complaint.

S.O. ORDERED

[Signature]

KENNETH M. KARAS U.S.D.J.

7/28/08